

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

BUCKEYE DIAMOND LOGISTICS, INC., :

Plaintiff, :

Case No. 3:01cv440

vs. :

JUDGE WALTER HERBERT RICE

CHEP USA, INC., :

Defendant. :

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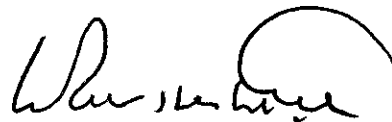
ENTRY OVERRULING DEFENDANT'S MOTION IN LIMINE TO EXCLUDE BAIN REPORT (DOC. #102); ENTRY SUSTAINING PLAINTIFF'S APPEAL FROM DISCOVERY ORDER BY MAGISTRATE JUDGE (DOC. #113); ENTRY SUSTAINING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON DEFENDANT'S COUNTERCLAIM FOR REPLEVIN (DOC. #114); ENTRY SUSTAINING IN PART AND OVERRULING IN PART DEFENDANT'S OBJECTION TO DISCOVERY ORDER BY MAGISTRATE JUDGE (DOC. #120); ENTRY SUSTAINING DEFENDANT'S MOTION TO STRIKE JURY DEMAND (DOC. #121); ENTRY SUSTAINING PLAINTIFF'S MOTION IN LIMINE REGARDING PARTICIPATION IN DEFENDANT'S PALLET RETURN PROGRAM (DOC. #122); ENTRY OVERRULING PLAINTIFF'S MOTION IN LIMINE REGARDING DEFENDANT'S EVIDENCE OF DAMAGES (DOC. #128); ENTRY OVERRULING, AS MOOT, PLAINTIFF'S MOTION TO QUASH SUBPOENA AND FOR ORDER IN LIMINE (DOC. #155)

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Based upon reasoning and citations of authority set forth on the record by the Court during the conference call it conducted with counsel on October 13, 2004, the Court rules on the following motions, to wit:

1. Defendant's Motion in Limine to Exclude the Bain Report (Doc. #102) is overruled.
2. Plaintiff's Appeal from Discovery Order by Magistrate Judge (Doc. #113) is sustained.
3. Plaintiff's Motion for Summary Judgment on Defendant's Counterclaim for Replevin (Doc. #114) is sustained.
4. Defendant's Objection to Discovery Order by Magistrate Judge (Doc. #120) is sustained in part and overruled in part.
5. Defendant's Motion to Strike Jury Demand (Doc. #121) is sustained.
6. Plaintiff's Motion in Limine Regarding Participation in Defendant's Pallet Return Program (Doc. #122) is sustained.
7. Plaintiff's Motion in Limine Regarding Defendant's Evidence of Damages (Doc. #128) is overruled.
8. Plaintiff's Motion to Quash Subpoena and for Order in Limine (Doc. #155) is overruled as moot, given that the Defendant has withdrawn the subpoena in question.

October 26, 2004



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WALTER HERBERT RICE, JUDGE  
UNITED STATES DISTRICT COURT

Copies to:

Counsel of record.